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**END OF SESSION — HF 263 — DOMESTIC ABUSE ASSAULT**

**Description:** [House File 263](#) relates to domestic abuse and sentencing for third or subsequent offense domestic abuse assault, stalking, and the unauthorized placement of a global positioning device. This Act expands the definition of stalking and makes it a crime to place a global positioning device with the intent to intimidate, annoy, or alarm another person without the consent of that person.

Under this Act, if an offender is convicted of a third or subsequent domestic abuse assault, the offender is required to serve at least one-fifth of the maximum term, establishing a 20.0% mandatory minimum sentence. Currently, the actual average Length of Stay (LOS) for a domestic abuse assault third Class D felony is 17.1 months. The mandatory minimum sentence contained within this Act would increase that LOS to 36 months because the LOS is calculated at a midpoint between the earliest parole eligibility date and sentence expiration.

Under current law, an offender serving a violent repeat offender sentence is eligible for a reduction of sentence equal to 1.2 days for each day the inmate serves under good conduct. Under this Act, an offender serving a sentence for a third or subsequent offense of domestic abuse assault would only be eligible for a reduction of sentence equal to fifteen eighty-fifths (0.18) days for each day the inmate serves under good conduct. This is the same rate of reduction of a sentence for an offender serving a minimum 70.0% sentence under Iowa Code section [902.12](#). Additionally, in order to be eligible for a reduction of sentence, the offender needs to have completed a domestic abuse treatment program if the offender is required to participate in one.

Under this Act, the Board of Parole (BOP) is required to develop a risk assessment validated for domestic abuse-related offenses in consultation with the Department of Corrections (DOC). This risk assessment would be used by the BOP when determining the appropriate conditions for release. Another provision of this Act is that a person placed on probation, parole, work release, or any other type of conditional release for domestic abuse assault may be supervised in a program that includes the use of an electronic tracking and monitoring system.

**Minority Impact:** This Act would have a minority impact to the African-American community. In FY 2016, 21.0% of the persons convicted of domestic abuse and stalking were African American. The U.S. Census estimate as of July 1, 2015, states that the Iowa population was 3.5% African American. In the second year of enactment, there would be four more admissions to prison, two more admissions to jail, and three more placements to probation of African Americans. After the third year of enactment, there would be an increase of 10 African Americans in the prison population due to these additional convictions and the change in mandatory sentencing for third or subsequent convictions of domestic abuse assault.

**Correctional Impact:** This Act is expected to result in an additional 21 convictions annually. It is estimated that there would be an additional 19 admissions to prison, an additional 11 admissions to jail, an additional placement of one offender to a residential treatment program, and an additional 16 offenders placed on probation annually. By year four, the prison population would have increased to an additional 84 offenders due in part to the increased LOS for those under a mandatory minimum sentence.

**Fiscal Impact:** It is estimated that the fiscal impact of this Act to the DOC due to additional convictions in FY 2018 would be \$97,000, and in FY 2019 would be \$190,000. Additionally, if the BOP was required to develop a new risk assessment protocol and have it validated, the cost would be between \$80,000 and \$100,000. The current risk assessment used by the DOC may be sufficient to implement the requirements of this Act.

**Enactment Date:** The Act was approved by the General Assembly on April 10, 2017, and signed by the Governor on April 20, 2017.

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